

Notice of Allowability

Application No.

09/814,229

Examiner

Carlos Lugo

Applicant(s)

LIPPOLDT ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on September 9, 2005.
2. ☒ The allowed claim(s) is/are 20-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on September 6, 2005.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Alexander Zinchuk on September 15, 2005.
4. The application has been amended as follows:
 - Claim 20 Line 20, the phrase "the at least one spring means (17) holds the at least one catch hook (12) in an opening position thereof in which the first final stop (14') lies on the guide element (9)" has been changed to -the at least one spring means (17) pull the at least one catch hook (12) to a position in which the first final stop (14') lies on the guide element (9)-.

Reasons For Allowance

5. The following is an examiner's statement of reasons for allowance:

Claim 20 is allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the swiveling lever has a series of teeth which interacts with a

series of teeth of the drive in order to pivot the swiveling lever about the axis of rotation, as recited in lines 28-30 of claim 20.

The closest prior art, Herman (US 3,806,174), discloses a locking device comprising a swiveling lever (21) having a projecting guide element (20), a drive (26), a catch hook (25) and a spring (34). However, Herman fails to disclose that the swiveling lever has a series of teeth that interacts with a series of teeth of the drive in order to pivot the swiveling lever about the axis of rotation.

Malsom (US 6,327,879) discloses a locking device comprising a swiveling lever (94) having a projecting guide element, a drive (95), a catch hook (80) and a spring (84). The swiveling lever has a series of teeth that interacts with a series of teeth of the drive in order to pivot the swiveling lever about the axis of rotation. However, Malsom fails to disclose that the spring biases the catch hook to a closed position and that the catch hook is supported in the swiveling lever. Malsom discloses that the spring biases the catch hook to an open direction and that the catch hook is not supported in the swiveling lever.

Tame (US 4,796,932) discloses a locking device comprising a swiveling lever (40) having a projecting guide element (48), a drive (138), a catch hook (74) and a spring (130). The swiveling lever has a series of teeth that interacts with a series of teeth of the drive in order to pivot the swiveling lever about the axis of rotation. However, Tame fails to disclose that the catch hook includes a cam segment having first and second final stops, so that the projecting guide member of the swiveling lever can move between the stops. Tame discloses that the swiveling lever has a

projecting guide member (48 and 50) connected to a "cam segment" (62). However, the cam segment does not have a first and second final stops so that the guide member can be restrain.

Also, it would not be obvious to one having ordinary skill in the art to combine the teachings of Malsom or Tame, regarding the teeth engagement between the drive and the swiveling lever, into the device as described by Herman, because the device that Herman describes works differently from the one presented by Malsom.

Furthermore, it would not be obvious to combine the teachings of Herman, regarding the spring biasing the catch hook to the closing position and that the catch hook is supported on the swiveling lever, into the device that Malsom describes, because Malsom catch hook is designed to work in combination with the swiveling lever, but as a separate member, not supported on the swiveling lever.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number

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for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
AU 3676

September 15, 2005.

A handwritten signature in black ink, appearing to read "Brian E. Glessner", followed by a long horizontal flourish.

BRIAN E. GLESSNER
PRIMARY EXAMINER